IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 9736 of 2007(H)

PETITIONER:

JOHN RAPHY, KANJIRATHINGAL HOUSE,
PADOOR, THRISSUR.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:
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1. **THE DEPUTY TRANSPORT COMMISSIONER,**
   CENTRAL ZONE II, THRISSUR.

2. **THE REGIONAL TRANSPORT OFFICER/**
   TAXATION OFFICER, THRISSUR.

BY GOVERNMENT PLEADER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.9736/2007

APPENDIX.

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE DT.6.2.2007.

EXT.P2:- COPY OF THE APPEAL DT.14.3.2007.

EXT.P3:- COPY OF THE STAY PETITION DT.14.3.2007.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.9736 of 2007-H

Dated this the 26th day of March, 2007

JUDGMENT

The petitioner is aggrieved by Ext.P1 notice, demanding motor vehicles tax for the period 1-4-2005 to 31-12-2005. He has filed Ext.P2 appeal and Ext.P3 stay application, before the Deputy Transport Commissioner, and thereafter this writ Petition is filed seeking a direction to the appellate authority to consider and pass orders on Ext.P2 appeal and also to grant stay of recovery proceedings, pursuant to Ext.P1.

2. I heard the learned Government Pleader for the respondent also.

3. If the petitioner pays tax for the quarter ending on 30-6-2005 along with the additional tax and interest, if any, within two weeks from today, further recovery shall be kept in abeyance for three months from today. The first respondent will consider and pass orders on Ext.P2 appeal, if the same is received and pending, within two months from the date of production of a copy of this judgment. The stay will be in force till the disposal of the appeal or for three months whichever is earlier. If the petitioner does not pay the amount within the stipulated time, or no appeal is filed, the direction in this judgment will stand recalled.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS